

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ROLAND ADAMS,
Defendant.

CIV. NO. S-06-1515 EJG
CR. NO. S-02-0257 EJG

ORDER GRANTING DEFENDANT'S
MOTION TO WITHDRAW SECTION
2255 MOTION

Defendant has filed a motion to withdraw his pending § 2255 motion in the above-captioned case. The original § 2255 motion was filed July 10, 2006, amended July 21, 2006, and again on February 5, 2007, which motion this court held in abeyance pending resolution of the appeal. Meanwhile, the conviction which is the subject of the motion was affirmed in part and vacated and remanded in part by the Ninth Circuit on June 29, 2006. Following a hearing, this court entered an amended judgment July 20, 2007, from which defendant has filed an appeal. Due to the pendency of the appeal, the motion to vacate, set aside or correct sentence is premature. Accordingly, defendant's motion to withdraw the § 2255 motion is GRANTED.

IT IS SO ORDERED.

Dated: December 20, 2007

/s/ Edward J. Garcia
EDWARD J. GARCIA, JUDGE
UNITED STATES DISTRICT COURT